

# House File 650

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1 3 AN ACT  
1 4 RELATING TO THE ASSESSMENT OF A CORRECTIONAL FEE BY A COUNTY  
1 5 OR MUNICIPALITY, AND TO THE PROSECUTION OF CERTAIN CRIMINAL  
1 6 OFFENSES COMMITTED IN A MUNICIPALITY LOCATED IN TWO OR MORE  
1 7 COUNTIES.  
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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 10  
1 11 Section 1. Section 356.7, Code 2003, is amended to read as  
1 12 follows:  
1 13 356.7 CHARGE FOR ROOM AND BOARD == ENFORCEMENT PROCEDURES.  
1 14 1. The county sheriff, or a municipality operating a  
1 15 temporary municipal holding facility or jail, may charge a  
1 16 prisoner who is eighteen years of age or older and who has  
1 17 been convicted of a criminal offense or sentenced for contempt  
1 18 of court for violation of a domestic abuse order for the  
1 19 actual administrative costs relating to the arrest and booking  
1 20 of that prisoner, and for room and board provided to the  
1 21 prisoner while in the custody of the county sheriff or  
1 22 municipality. Moneys collected by the sheriff or municipality  
1 23 under this section shall be credited respectfully to the  
1 24 county general fund or the city general fund and distributed  
1 25 as provided in this section. If a prisoner who has been  
1 26 convicted of a criminal offense or sentenced for contempt of  
1 27 court for violation of a domestic abuse order fails to pay for  
1 28 the administrative costs and the room and board, the sheriff  
1 29 or municipality may file a room and board reimbursement claim  
1 30 with the district court as provided in subsection 2. The  
1 31 county attorney may file the room and board reimbursement  
1 32 claim on behalf of the sheriff and the county or the  
1 33 municipality. The attorney for the municipality may also file  
1 34 a reimbursement claim on behalf of the municipality. This  
1 35 section does not apply to prisoners who are paying for their  
2 1 room and board by court order pursuant to sections 356.26  
2 2 through 356.35.  
2 3 2. The sheriff, municipality, or the county attorney, on  
2 4 behalf of the sheriff, or the attorney for the municipality,  
2 5 may file a room and board reimbursement claim with the clerk  
2 6 of the district court which shall include all of the following  
2 7 information, if known:  
2 8 a. The name, date of birth, and social security number of  
2 9 the person who is the subject of the claim.  
2 10 b. The present address of the residence and principal  
2 11 place of business of the person named in the claim.  
2 12 c. The criminal proceeding pursuant to which the claim is  
2 13 filed, including the name of the court, the title of the  
2 14 action, and the court's file number.  
2 15 d. The name and office address of the sheriff or the name  
2 16 and office address of the county attorney person who is filing  
2 17 the claim on behalf of the sheriff.  
2 18 e. A statement that the notice is being filed pursuant to  
2 19 this section.  
2 20 f. The amount of room and board charges the person owes.  
2 21 g. The amount of administrative costs the person owes.  
2 22 g- h. If the sheriff or municipality wishes to have the  
2 23 amount of the claim for charges owed included within the  
2 24 amount of restitution determined to be owed by the person, a  
2 25 request that the amount owed be included within the order for  
2 26 payment of restitution by the person.  
2 27 3. Upon receipt of a claim for room and board  
2 28 reimbursement, the court shall approve the claim in favor of  
2 29 the sheriff or the county, or the municipality, for the amount  
2 30 owed by the prisoner as identified in the claim and any fees  
2 31 or charges associated with the filing or processing of the  
2 32 claim with the court. The sheriff or municipality may choose  
2 33 to enforce the claim in the manner provided in chapter 626.  
2 34 Once approved by the court, the claim for the amount owed by  
2 35 the person shall have the force and effect of a judgment for  
3 1 purposes of enforcement by the sheriff or municipality.  
3 2 However, irrespective of whether the judgment lien for the  
3 3 amount of the claim has been perfected, the claim shall not  
3 4 have priority over competing claims for child support  
3 5 obligations owed by the person.

3 6 4. This section does not limit the right of the sheriff or  
3 7 municipality to obtain any other remedy authorized by law.

3 8 5. Of the moneys collected and credited to the county  
3 9 general fund as provided in this section, sixty percent of the  
3 10 moneys collected shall be used for the following purposes:

3 11 a. Courthouse security equipment and law enforcement  
3 12 personnel costs.

3 13 b. Infrastructure improvements of a jail, including new or  
3 14 remodeling costs.

3 15 c. Infrastructure improvements of juvenile detention  
3 16 facilities, including new or remodeling costs.

3 17 The sheriff may submit a plan or recommendations to the  
3 18 county board of supervisors for the use of the funds as  
3 19 provided in this subsection or the sheriff and board may  
3 20 jointly develop a plan for the use of the funds. Subject to  
3 21 the requirements of this subsection, funds may be used in the  
3 22 manner set forth in an agreement entered into under chapter  
3 23 28E.

3 24 The county board of supervisors shall review the plan or  
3 25 recommendations submitted by the sheriff during the normal  
3 26 budget process of the county.

3 27 6. Of the moneys collected and credited to the city  
3 28 general fund as provided in this section, sixty percent of the  
3 29 moneys collected shall be used for police or law enforcement  
3 30 budget expenditures.

3 31 7. As used in this section, "administrative costs relating  
3 32 to the arrest and booking of a prisoner" means those functions  
3 33 or automated functions that are performed to receive a  
3 34 prisoner into jail or a temporary holding facility including  
3 35 the following:

4 1 a. Patting down and searching, booking, wristbanding,  
4 2 bathing, clothing, fingerprinting, photographing, and medical  
4 3 and dental screening.

4 4 b. Document preparation, retrieval, updating, filing, and  
4 5 court scheduling.

4 6 c. Warrant service and processing.

4 7 d. Inventorying of a prisoner's money and subsequent  
4 8 account creation.

4 9 e. Inventorying and storage of a prisoner's property and  
4 10 clothing.

4 11 f. Management and supervision.

4 12 Sec. 2. Section 803.3, Code 2003, is amended by adding the  
4 13 following new subsection:

4 14 NEW SUBSECTION. 4A. If a simple misdemeanor is committed  
4 15 in a city which is located in two or more counties, venue  
4 16 shall be in the county in which the seat of government of the  
4 17 city is located.

4 18 Sec. 3. Section 805.13, subsection 1, Code 2003, is  
4 19 amended to read as follows:

4 20 1. Traffic violations, whether or not scheduled, and all  
4 21 other scheduled violations may be tried before the nearest  
4 22 magistrate in the judicial district in which the offense is  
4 23 committed, or if the offense occurred in a city which is  
4 24 located in two counties, the violation shall be tried in the  
4 25 county in which the seat of government of the city is located.

4 26 Sec. 4. Section 910.3, Code 2003, is amended to read as  
4 27 follows:

4 28 910.3 DETERMINATION OF AMOUNT OF RESTITUTION.

4 29 The county attorney shall prepare a statement of pecuniary  
4 30 damages to victims of the defendant and, if applicable, any  
4 31 award by the crime victim compensation program and expenses  
4 32 incurred by public agencies pursuant to section 321J.2,  
4 33 subsection 9, paragraph "b", and shall provide the statement  
4 34 to the presentence investigator or submit the statement to the  
4 35 court at the time of sentencing. The clerk of court shall  
5 1 prepare a statement of court-appointed attorney fees ordered  
5 2 pursuant to section 815.9, including the expense of a public  
5 3 defender, and court costs including correctional fees claimed  
5 4 by a sheriff or municipality pursuant to section 356.7, which  
5 5 shall be provided to the presentence investigator or submitted  
5 6 to the court at the time of sentencing. If these statements  
5 7 are provided to the presentence investigator, they shall  
5 8 become a part of the presentence report. If pecuniary damage  
5 9 amounts are not available at the time of sentencing, the  
5 10 county attorney shall provide a statement of pecuniary damages  
5 11 incurred up to that time to the clerk of court. The statement  
5 12 shall be provided no later than thirty days after sentencing.  
5 13 If a defendant believes no person suffered pecuniary damages,  
5 14 the defendant shall so state. If the defendant has any mental  
5 15 or physical impairment which would limit or prohibit the  
5 16 performance of a public service, the defendant shall so state.

5 17 The court may order a mental or physical examination, or both,  
5 18 of the defendant to determine a proper course of action. At  
5 19 the time of sentencing or at a later date to be determined by  
5 20 the court, the court shall set out the amount of restitution  
5 21 including the amount of public service to be performed as  
5 22 restitution and the persons to whom restitution must be paid.  
5 23 If the full amount of restitution cannot be determined at the  
5 24 time of sentencing, the court shall issue a temporary order  
5 25 determining a reasonable amount for restitution identified up  
5 26 to that time. At a later date as determined by the court, the  
5 27 court shall issue a permanent, supplemental order, setting the  
5 28 full amount of restitution. The court shall enter further  
5 29 supplemental orders, if necessary. These court orders shall  
5 30 be known as the plan of restitution.

5 31 Sec. 5. Section 910.9, unnumbered paragraph 3, Code 2003,  
5 32 is amended to read as follows:

5 33 Fines, penalties, and surcharges, crime victim compensation  
5 34 program reimbursement, public agency restitution, court costs  
5 35 including correctional fees claimed by a sheriff or  
6 1 municipality pursuant to section 356.7, and court-appointed  
6 2 attorney fees ordered pursuant to section 815.9, including the  
6 3 expenses for public defenders, shall not be withheld by the  
6 4 clerk of court until all victims have been paid in full.  
6 5 Payments to victims shall be made by the clerk of court at  
6 6 least quarterly. Payments by a clerk of court shall be made  
6 7 no later than the last business day of the quarter, but may be  
6 8 made more often at the discretion of the clerk of court. The  
6 9 clerk of court receiving final payment from an offender shall  
6 10 notify all victims that full restitution has been made. Each  
6 11 office or individual charged with supervising an offender who  
6 12 is required to perform community service as full or partial  
6 13 restitution shall keep records to assure compliance with the  
6 14 portions of the plan of restitution and restitution plan of  
6 15 payment relating to community service and, when the offender  
6 16 has complied fully with the community service requirement,  
6 17 notify the sentencing court.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

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6 30 I hereby certify that this bill originated in the House and  
6 31 is known as House File 650, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

7 1 Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor

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